

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling

ALLISON KEIGHTLEY MITCHELL,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-CV-126  
Judge Bailey

WARDEN P. ADAMS,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The above referenced case is before this Court upon the magistrate judge's recommendation [Doc. 7], filed July 23, 2021, that the Motion for Leave to Proceed *in forma pauperis* be denied and that plaintiff be ordered to pay the \$402.00 filing fee.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

After a *de novo* review, the Court has determined the Report and Recommendation

should be **AFFIRMED**. Accordingly, the Motion for Leave to Proceed *in forma pauperis* [Doc. 2] is hereby **DENIED**. Plaintiff shall have **twenty-eight (28) days** from receipt of this Order to pay the filing fee. Failure to pay the full filing fee within that time will result in dismissal of the Complaint for failure to prosecute.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to mail a copy to the *pro se* plaintiff.

**DATED:** September 1, 2021.

A handwritten signature in black ink, appearing to read "John Preston Bailey", written over a horizontal line.

**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**